

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner states that her husband works only seasonally and that he has a medical condition that requires him to take costly prescription medications.

3. The Department has determined that the family's net income is \$1,929 a month, which is in excess of the VHAP maximum for a two-person household of \$1,499 a month.

4. VHAP offers comprehensive medical and pharmaceutical coverage. The Department has found the petitioner's husband eligible for VScript, a less comprehensive program of partial prescription drug coverage with a higher income eligibility maximum. However, VScript includes considerable deductibles and copayments.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned and unearned income is included as countable income for determining the eligibility of a VHAP household. W.A.M. 4001.81. For employees without child care expenses the only deduction allowed from wages is a \$90 standard deduction. Unfortunately for individuals in the petitioner's position, there are no deductions for medical expenses in any VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

There is no dispute in this matter that the petitioner has countable income in excess of the maximum for eligibility under the VHAP program for a two-person household of \$1,499 a month. P-2420 B (16). As the Department's decision is in accord with its regulation, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

At the hearing in this matter, held on July 19, 2002, the petitioner was advised to reapply for VHAP if her husband's earnings are reduced or eliminated.

#